



February 24, 1999

SENATE BILL No. 349

DIGEST OF SB 349 (Updated February 22, 1999 2:45 pm - DI 78)

Citations Affected: IC 13-11; noncode.

Synopsis: Underground storage tanks. Excludes a person who fills or gauges the product level of an underground storage tank from the definition of operator for purposes of underground storage tanks corrective actions if the person does not own or lease the facility or business at which the tank is located and does not participate in the management or the facility or business.

Effective: January 1, 1999 (retroactive).

Gard

January 11, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

January 28, 1999, amended; reassigned to Committee on Environmental Affairs.
February 23, 1999, amended, reported favorably — Do Pass.

SB 349—LS 6928/DI 13+



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February 24, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 349

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-11-2-148 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
3 Sec. 148. (a) "Operator", for purposes of IC 13-18-10, means the
4 person in direct or responsible charge or control of one (1) or more
5 confined feeding operations.
6 (b) "Operator", for purposes of IC 13-18-11 and environmental
7 management laws, means the person in direct or responsible charge and
8 supervising the operation of:
9 (1) a water treatment plant;
10 (2) a wastewater treatment plant; or
11 (3) a water distribution system.
12 (c) "Operator", for purposes of IC 13-20-6, means a corporation, a
13 limited liability company, a partnership, a business association, a unit,
14 or an individual who is a sole proprietor that is one (1) of the following:
15 (1) A broker.
16 (2) A person who manages the activities of a transfer station that
17 receives municipal waste.

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(3) A transporter.

(d) "Operator", for purposes of IC 13-23, except as provided in subsection (e), means a person:

(1) in control of; or

(2) having responsibility for;
the daily operation of an underground storage tank.

(e) "Operator", for purposes of IC 13-23-13, does not include **the following:**

(1) A person who:

~~(A)~~ (A) does not participate in the management of an underground storage tank;

~~(B)~~ (B) is otherwise not engaged in the:

~~(i)~~ (i) production;

~~(ii)~~ (ii) refining; and

~~(iii)~~ (iii) marketing;

of regulated substances; and

~~(C)~~ (C) holds evidence of ownership, primarily to protect the owner's security interest in the tank.

(2) A person who:

(A) does not own or lease, directly or indirectly, the facility or business at which the underground storage tank is located;

(B) does not participate in the management of the facility or business described in clause (A); and

(C) is engaged only in:

(i) filling;

(ii) gauging; or

(iii) filling and gauging;

the product level in the course of delivering fuel to an underground storage tank.

SECTION 2. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]
IC 13-11-2-148(e), as amended by this act, shall not be construed to affect any litigation filed before January 1, 1999.

SECTION 3. An emergency is declared for this act.



COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

(Reference is to SB 349 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, delete the effective date "[EFFECTIVE UPON PASSAGE]" and insert the effective date "[EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]".

Page 2, delete lines 19 through 25, begin a new line single block indented and insert:

"(2) A person who:

(A) does not own or lease, directly or indirectly, the facility or business at which the underground storage tank is located;

(B) does not participate in the management of the facility or business described in clause (A); and

(C) is engaged only in:

(i) filling;

(ii) gauging; or

(iii) filling and gauging;

the product level in the course of delivering fuel to an underground storage tank.

SECTION 2. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]
IC 13-11-2-148(e), as amended by this act, shall not be construed to affect any litigation filed before January 1, 1999."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 349 as printed January 29, 1999.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

